



Accommodating Meal Modifications in the School Meal Programs

GUIDANCE FOR SCHOOL FOOD SERVICE PROFESSIONALS

1

Welcome to the accommodating meal modifications in the school meal programs webinar.

Introduction

National School Lunch Program (NSLP) School Breakfast Program (SBP)

Comply with USDA regulation

- *Non Discrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance*

Ensures children that need meal modifications have an equal opportunity to participate in and benefit from the NSLP and SBP



Although we will focus on the National School Lunch Program and School Breakfast Program, the information in this webinar also applies to the Fresh Fruit & Vegetable Program (FFVP), the Special Milk Program (SMP), the afterschool snack component of the NSLP, and the Seamless Summer Option (SSO).

The main reason why we need to know how to accommodate for meal modifications is to comply with the USDA regulations and their non-discrimination policies and also because we want all children that need these meal modifications to be able to receive them and benefit from the Lunch and Breakfast programs.

Recent Changes & Guidance

September 27, 2016 USDA's Food and Nutrition Service (FNS) issued:

- *Policy Memorandum on Modifications to Accommodate Disabilities in School Meal Programs, SP 59-2016*

Requires school food authorities (SFAs) to make reasonable changes to accommodate children who need meal modifications

- This policy clarifies the requirements for all SFAs to make meal changes/adjustments without extra cost for children who need a meal modification



3

This policy issued in 2016 says that reasonable changes need to be made for children who need meal modifications due to disabilities without extra cost to the student or family.

In many cases, meal modifications can be managed within the Program meal pattern requirements when a well-planned variety of nutritious foods are available to the children. But, the needs of a child may involve requests for accommodations that result in the service of meals that do not meet the Program meal pattern, which we will talk more about later on.

Recent Changes & Guidance

Changes to interpretation of the term “disability”

- Included in the Americans with Disabilities Act (ADA) Amendments Act of 2008

Focuses on major life
activities being impacted

4

For the policy to be followed on the previous slide, everyone has to understand and interpret in the same way what the term disability means. Because of the possible confusion of this and the changing definition of disability, a student does NOT need to be identified as ‘having a disability’ in order to have a required meal modification. Instead of focusing on disability, you focus on if a major life activity is impacted, and if it is, then a meal modification is needed.

What is a disability?

ADA Definition:

- A physical or mental impairment that substantially limits one or more major life activities of such individual;
- A record of such an impairment; or
- Being regarded as having such an impairment



Episodic Disability Definition:

- Occurring occasionally and at irregular intervals

What is a disability? The ADA defines a disability as a physical or mental impairment that substantially limits one or more major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment are all considered a disability.

If a disability is episodic and limits a major life activity, the child must be provided a reasonable modification (For example: if a child was involved in a serious accident and is unable to consume food for a significant period of time unless the texture is modified, the school must make an accommodation for the child, even though the child is not “permanently” disabled.

Each situation should be treated on a case-by-case basis. SFAs and schools should direct specific questions to the State agency if they are unsure how to proceed.

Major Life Activities

Caring for oneself

Performing manual tasks

Seeing

Hearing

Eating

Sleeping

Walking

Standing

Lifting

Bending

Speaking

Breathing

Learning

Reading

Concentrating

Thinking

Communicating

Working



6

Examples of a major life activity include: Caring for oneself, Performing manual tasks, Seeing, Hearing, Eating, Sleeping, Walking, Standing, Lifting, Bending, Speaking, Breathing, Learning, Reading, Concentrating, Thinking, Communicating, and Working.

The inability to do any one of these things might require a meal modification.



Example...

7

Let's say a child with autism is very sensitive to food textures, and will only eat food with a smooth texture. Must the school food service provide a modification for the child?

Answer = YES. According to the ADA, anything impacting the “major life activity” of eating requires a meal modification. Some children with autism have sensory sensitivities and prefer foods of a certain texture or color. They may require the same foods every day and it is necessary to maintain a regular routine. If a child's autism impacts their ability to consume the lunch or breakfast, the SFA must provide a reasonable modification. In this case the SFA may blend foods for a smooth consistency.

How do you know if a child's condition requires a meal modification?

Includes conditions that impair the functions of:

- Immune
- Digestive
- Neurological
- Bowel
- Many others

This can include: allergies, intolerances, autism, obesity, phenylketonuria (PKU), diabetes, and celiac disease



8

A child's condition that might require a meal modification could be allergies, intolerances, autism, obesity, phenylketonuria (PKU), diabetes, or celiac disease.

A food allergy does not need to be life-threatening or cause anaphylaxis in order to require a meal modification. A meal modification is required if it impacts a major bodily function or other major life activities related to digestion, respiration, immune response, skin rash, etc.

It is important to note that this is not a comprehensive list of disabilities.

What does NOT require a modification?

Parent's preference that a child eats a certain diet because it is a "general health concern"

- Vegan Diet

Case-By-Case Basis

- Duration of impairment
- Extent of limitations



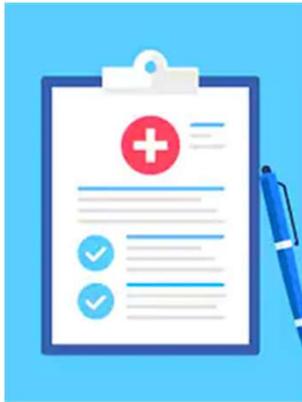
9

Examples that do not require a meal modification would be a vegan diet or other dietary restriction the parent wants the child to eat because it is a general health concern.

The question of whether a temporary impairment requires a meal modification must be resolved on a case-by-case basis, taking into consideration both the duration of the impairment and the extent to which it actually limits a major life activity of the affected individual.

Example: A cold, the flu, or a minor broken bone are not generally considered conditions that require a reasonable modification to lunch or breakfast meals.

Medical Statement



Required when the meal modification does not meet the meal pattern requirements

Required in order for SFAs to receive reimbursement for meals that do NOT follow the breakfast or lunch meal patterns

Must be signed by a State licensed healthcare professional

Does not need to be updated on a regular basis

10

A medical statement would be required for a meal modification that cannot be met inside of the meal pattern requirements. An example of this would be if a child cannot consume portion sizes equal to those outlined in FNS regulations at 7 CFR 210.10. So then a medical statement is required that directs the SFA to provide smaller portion sizes. The SFA will be reimbursed for the meal, even though it does not meet breakfast or lunch requirements, because of the signed medical statement.

When SFAs receive updated medical information, they must ensure that medical statements on file reflect the current dietary needs of the participating children. You can require updates as necessary to meet certain responsibilities, but should definitely consider the burden of what it takes to obtain additional medical statements for parents and guardians.

Every medical statement must be signed by a state licensed healthcare professional.

State Licensed Healthcare Professionals

- According to South Dakota Board of Medical & Osteopathic Examiners, using SDCL 36-2-2, a recognized medical authority may be a:
 - Physician (MD or DO)
 - Physician's Assistant (PA)
 - Certified Nurse Practitioner (CNP)
 - Certified Nurse Midwives (CNM)



A state licensed healthcare professional would include physicians, physician assistants, certified nurse practitioners, and also certified nurse midwives.

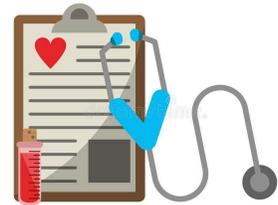
Included in the Medical Statement

Description of child's major life activities being impacted

- SFAs should understand how it restricts the child's diet

Explanation of what must be done to accommodate the child

- i.e., identifying food or foods that should be omitted
- Identify and recommend alternatives to food allergies



If unclear or lacks sufficient detail:

- SFAs must obtain appropriate clarification so that a proper and safe meal can be provided
- Utilize the services of a Registered Dietitian
- Contact State agency

12

The medical statement should include all the major life activities that are impacted and an outline of everything needed for accommodated the child, which might be things like identifying food or foods that should be omitted or identifying and recommending alternatives to food allergies

In some cases, more information may be required. SFAs should not deny or delay a requested modification because the medical statement does not provide recommended alternatives. When necessary, SFAs should work with the child's parent or guardian to obtain a supplemental medical statement. SFAs must obtain appropriate clarification so that a proper and safe meal can be provided, and they can also utilize the services of a Registered Dietitian.

Also, if a child has an Individualized Education Program or 504 Plan that contains information about a necessary meal modification, it is not necessary to obtain a separate medical statement as they include the same information that is required.

Meal Modifications & Substitutions

Meal Modification Definition

- Related to the limitations that require a meal modification

Food Allergies

- Any food items and ingredients offered

Food Labels

Food Preferences

Safe environment to consume meal

- Ensuring proper storage, preparation, and cleaning

13

The definition of a Meal Modification is a change or alteration in policies, practices, and/or procedures to accommodate a participating child. This is related to the limitations that require a meal modification.

When accommodating a child's food allergy, no food item offered to the child may contain traces of substances that may trigger an allergic reaction. Example: If a child has a peanut allergy, no foods served to the child may contain peanuts or include peanuts as an ingredient. This means food labels or specifications on food items must be checked for allergens.

If a food label does not provide adequate information, the school food service is responsible for obtaining necessary information to ensure no allergic substances are present.

It is important to note that you have to be cautious with food preferences. (religious or cultural reasons) For example, if you only serve fish on Fridays during Lent, you will also need to make accommodations for other religious or cultural preferences.

Providing a safe environment to consume a meal is also important to ensure proper storage, preparation, and cleaning.

Example: The regular menu item for lunch at school is whole grain pasta with cheese

and vegetable toppings. Should the school food service director prepare whole grain pasta with lactose-free cheese for a child with lactose intolerance?

The answer is “perhaps”. In a disability situation, the meal item substituted does not need to mirror the menu item that is offered that day. The SFA’s responsibility is to serve the child a meal that accommodates their need. Another alternate is a sandwich with whole grain rich bread and a non-dairy meat/meat alternative like nut butter or turkey that meets the child’s meal modifications.

Meal Modifications & Substitutions

Portion Sizes

- Meal modification may exceed the minimum quantity requirements set forth by Program regulations
- If in medical statement, SFA must provide child with larger portion sizes
- SFA will not receive additional reimbursement to cover extra costs

Brand Name Food Products

- If requested by State licensed healthcare professional
- SFA may substitute on medical statement
- Generic brand is acceptable
- SFA should work with parent or guardian, or medical authority that signed the form

14

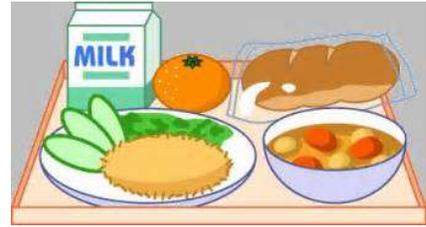
If a meal modification with a medical statement exceeds the minimum portion requirement, SFAs must provide the child with the larger portion sizes, but they will not be reimbursed for the extra expenses of the larger portions.

Brand name food products are sometimes requested on a medical statement, but substituting with a generic brand is usually acceptable. For example: a medical statement for a child with a gluten intolerance may request a specific brand of gluten-free bread. If a modification request indicates a brand name item, in most instances, a generic brand is sufficient, unless the brand name is medically necessary. You would find that out with a conversation with the parent/guardian or medical authority.

Meal Modifications & Substitutions

Offer versus Serve (OVS)

- Students that need meal modifications must have the option to select all food components/items made available to other children



15

If you are utilizing Offer versus Serve, students that need meal modifications must have the option to select all food components/items made available to other children. For example: A child who has Celiac disease or a gluten intolerance must have a choice of bread/grain that is gluten-free. The SFA may not use OVS to eliminate a specific food component for a child with a disability. In this case, the SFA must offer a gluten-free grain.

Fluid Milk Substitute Nutrient Requirements		
Nutrient	Per Cup (8 fl oz)	Percentage
Calcium	276 mg	28%
Protein	8 g	16%
Vitamin A	500 IU	10%
Vitamin D	100 IU	25%
Magnesium	24 mg	6%
Phosphorus	222 mg	23%
Potassium	349 mg	10%
Riboflavin	0.44 mg	26%
Vitamin B12	1.1 mcg	18%

Milk Substitute Nutrient Requirements

Meeting the nutrient requirements helps to ensure participating children continue to have access to important nutrients found in cow's milk!

16

The nutrient requirements for fluid milk substitutions are shown here in the chart. Meeting these nutrient requirements helps to ensure participating children continue to have access to important nutrients found in cow's milk.

SFAs must inform the State agency of any schools opting to provide a milk substitute or milk substitutes and milk substitutes must meet FNS requirements.

Example: low-fat or fat-free lactose-free milk, or reduced-lactose milk would meet the nutrient requirements. SFAs will not receive Federal reimbursement for a meal that substitutes juice or water for milk to accommodate a meal modification. If the child's medical statement indicates the child cannot consume milk and requests the child receive a substitute, the SFA must provide the requested substitute regardless of whether it meets the nutrient requirements.

Food Allergy Action Plan



Ensure school food service professionals understand:

- The potential severity of exposures to food allergens
- The role proper food handling and sanitation play in potentially life-threatening situations

Follow your Hazard Analysis and Critical Control Points (HACCP) Food Safety Plan

17

Make sure that school food service professionals understand: the potential severity of exposures to food allergens and the role proper food handling and sanitation play in potentially life-threatening situations.

Richard B. Russell National School Lunch Act requires SFAs to implement a Food Safety Program based on HACCP principles.

Specific action items are related to: cleaning and sanitizing food surfaces, personal hygiene, preventing cross-contamination during food storage, serving food properly, and preventing cross contamination at salad bars.

Section 504/ADA Coordinator

Local Education Agency (LEA) that employs 15 or more individuals must designate at least one person as a 504/ADA Coordinator



This person may be responsible for:

Addressing requests for accommodations in the classroom

Ensuring compliance with meal modification requirements related to meals and the meal service

Local Education Agency (LEAs) are generally your school district! LEAs should ensure that school food service staff understand the procedures for handling requests for meal modifications and know how to contact the Section 504 Coordinator. Also, if the LEA employs at least 15 people, they must designate a 504/ADA coordinator to coordinate compliance with 504 plans. This designated person may also be responsible for addressing requests for accommodations in the classroom and ensuring compliance with meal modification requirements related to meals and the meal service.

Team Approach

Encourages information sharing throughout the school

Partnership with the SFA and the family

Team includes

- Section 504 Coordinator
- School food service
 - professionals and nutritionists
- School administrators
- School medical personnel
- Classroom teachers and aides
- Therapists and Allergists
- Parents or guardians with children
- Special education staff



19

A team approach should be used that includes of the Section 504 Coordinator, school food service professionals and nutritionists, school administrators, school medical personnel, classroom teachers and aides, therapists, allergists, parents or guardians with children, and special education staff. This team would encourage information sharing throughout the school and form a partnership between the SFA and families. The team will help ensure that meal modifications are consistent on decisions, implementation, and tracking. The team is encouraged to develop policies and practices that allow for the meal modifications they most commonly encounter to be quickly and consistently addressed. ALL medical information should be kept confidential.

Serving Meals in an Integrated Setting

SFAs must provide all meal services in the most integrated setting appropriate to the needs of the child

Exclusion of any child from the Program environment is NOT considered **appropriate or reasonable modification**



20

SFAs must provide all meal services in the most integrated setting appropriate to the needs of the child

Example: It may be appropriate for children to sit at a separate table. If a child requires a large degree of assistance from an aide in order to consume their meals, it may be necessary for the child and the aid to have more space during mealtime. But exclusion of any child from the Program environment is NOT considered appropriate or reasonable modification.

This is another area to discuss options and decisions with the 504 Team and/or parents!

Reimbursement

If the meal modifications can be managed within the Program meal pattern

- SFAs will be reimbursed based on the child's eligibility for free, reduced price, or paid meals
Regardless of meal modification

Meal modifications do not have to meet the Program meal pattern requirements in order to be claimed for reimbursement if they are supported by a medical statement signed by a medical authority

- SFAs should ensure that meal modifications meet the nutritional needs of the child

21

Meal modifications can be managed within the Program meal pattern. For example: If a child has an allergy to one fruit or vegetable, the SFA can simply substitute another fruit or vegetable in the child's meal.

SFAs will be reimbursed based on the child's eligibility for free, reduced price, or paid meals, regardless of meal modification.

SFAs must require a written medical statement in order to receive reimbursement for meals served to children with meal modifications that do not meet Program meal pattern requirements. SFAs may, however, choose to request a written medical statement from a State licensed healthcare professional in support of a request for a modification in all cases.

Individuals with Disabilities Education Act (IDEA)

Amended

- Affects SFAs and LEAs including the service of meals
- Affects them even when the service is not required by the School Meal Programs



Individualized Education Program (IEP)

Developed for a child and may require breakfast to be served in a school that does NOT participate in the School Breakfast Program

- Meals may not be claimed for Federal reimbursement

22

An Individualized Education Program (IEP) developed for a child might require breakfast to be served at a school that does not participate in the breakfast program. While the meals may not be claimed for Federal reimbursement because the school does not participate in the program, funds from the non-profit school food service account may be used to cover the cost associated with providing a meal required by the IEP. SFAs may not charge children with meal modifications more than they charge other children for Program meals.

General fund or special education funds (if indicated in the child's IEP) may be used to offset the cost.

Procedural Safeguards

Process requires LEAs to:

- Provide notice & information to parents and guardians regarding how to request a reasonable modification
- Provide information on their procedural rights



23

Procedural safeguards require LEAs to provide notice & information to parents and guardians regarding how to request a reasonable modification and to provide information on their procedural rights.

If an SFA denies a modification request, this would be because it would fundamentally alter the nature of the Program. It is important to work closely with families to prevent misunderstandings prior to declining a modification request. If you do decline it, ensure that the parent or guardian understands their rights to file a grievance.

Parents/Guardians Rights

May file a grievance if they believe a violation has occurred regarding the request for a reasonable modification

Must receive a prompt and equitable resolution of the grievance

May request and participate in an impartial hearing to resolve their grievances

May be represented by counsel at the hearing

Must be allowed the opportunity to examine the record

Must receive notice of the final decision and procedure for review

**KNOW
YOUR
RIGHTS**

24

Here are all the Parent/ Guardian rights. These allow parents or guardians to file a grievance if they believe a violation has occurred regarding the request for a reasonable modification. The parent/guardian must receive a prompt and equitable resolution of the grievance, they may request and participate in an impartial hearing to resolve their grievances, they may be represented by counsel at the hearing, they must be allowed the opportunity to examine the record, and they must receive notice of the final decision and procedure for review.

The CANS Memo 232-1: Meal Modifications Statements in School Nutrition Programs (Revised) is a great resource to look at if you have any additional questions, concerns, or need clarifications! It provides good information on all the updates and changes made to meal modification statements and standards.



FAQs

Can a school food service professional assume a child's major life activity is not impacted because it is not listed under "categories of disease and conditions" in the ADA?

- No, the list is not all inclusive

25

We will now go over some frequently asked questions that may address similar questions you have!

Can a school food service professional assume a child's major life activity is not impacted because it is not listed under "categories of disease and conditions" in the ADA?

No, the list is not all inclusive

As noted in the law, the “categories of diseases and conditions” are not all inclusive. Therefore, there are more conditions that meet the definition of a disability than are listed in the law. When a modification request is supported by a medical statement, the written medical statement does not need to provide a specific diagnosis by name or use the term “disabled” or “disability”.

There is a Meal Modification Form you can get from the CANS office that asks how the major life activity is impacted.



FAQs

How do schools receive reimbursement for a meal modification request without a medical statement when the accommodation can be made within the Program meal pattern?

- SFAs are encouraged to document substitution
- For example, if a child has a common allergy to a specific fruit, the school food service can simply substitute another fruit.



How do schools receive reimbursement for a meal modification request without a medical statement when the accommodation can be made within the Program meal pattern?

SFAs are encouraged to document substitution

For example, if a child has a common allergy to a specific fruit, the school food service can simply substitute another fruit.

FNS encourages schools to use flexibilities whenever possible. In situations where the SFA does not obtain a medical statement, FNS encourages SFAs to make note of the actions taken in acknowledging children's accommodations or have the parent/guardian complete the meal modification form. Doing so helps to safeguard children in all areas of the school environment.



FAQs

Must an SFA provide nutrition information for ALL food available each day for children who need to track their dietary intake?

- No, it is not necessarily required to provide all the nutrition information for all program meals

Must an SFA provide nutrition information for ALL food available each day for children who need to track their dietary intake?

No, it is not necessarily required to provide all the nutrition

information for all program meals

For Example: if a child with diabetes must track their carbohydrate intake, the SFA would not be required to provide nutrition information for all food choices available during the lunch and/or breakfast meal service.

The SFA could instead develop a cycle menu with input from the child's parent or guardian, medical professionals, the school nutritionist and nurse, and other members of the Section 504 Team as appropriate. The SFA would only have to provide nutrition information for the foods on the planned cycle menu for the child, as opposed to all foods offered through the Programs.



FAQs

If a child no longer needs a meal modification, can the SFA stop providing meal modifications without the State licensed healthcare professionals approval?

- Yes, FNS does not require SFAs to obtain written documentation from a State licensed healthcare professional rescinding the original medical order prior to ending a meal modification

28

If a child no longer needs a meal modification, can the SFA stop providing meal modifications without the State licensed healthcare professionals approval?

Yes, FNS does not require SFAs to

obtain written documentation
from a State licensed healthcare
professional rescinding the
original medical order prior to
ending a meal modification

FNS does recommend that SFAs maintain documentation when ending a meal modification.

For Example: an SFA could ask the parent or guardian to sign a statement indicating their child no longer needs a meal accommodation.



FAQs

If an SFA chooses to provide meal modifications for non-disability reasons (e.g., religious reasons or child's a vegetarian) are the modified meals eligible for Federal reimbursement?

- Yes, meal patterns must be met and FNS encourages schools to provide a variety of foods for children to select from in order to accommodate food preferences.



If an SFA chooses to provide meal modifications for non-disability reasons (e.g., religious reasons or child's a vegetarian) are the modified meals eligible for Federal reimbursement? Meal modifications to accommodate a food preference or for religious, ethnic, moral, or other reasons may be reimbursed, provided these meals adhere to the standards found in Program regulations.

Resources

CANS SNP website

<https://doe.sd.gov/cans/snp.aspx>

Section “Meal Modification”

- 2017 Edition: Accommodating Children with Disabilities in the School Meal Programs
- SP 59-2016: Modifications to Accommodate Disabilities in the School Meal Programs
- SP 26-2017: Accommodating Disabilities in the School Meal Programs: Guidance and Questions and Answers
- CANS SNP memo coming soon!
- USDA FNS Policy Memos
 - <https://www.fns.usda.gov/school-meals/policy>

30

Here is a list of some additional resources if you are interested.

Contact Us!



CANS Office



Email:

DOE.SchoolLunch@state.sd.us



Phone: 605-773-3413

31

Thank you for listening to this webinar on Accommodating Meal Modifications in the School Meal Programs! We appreciate your support! Please feel free to contact us via email or phone for additional questions or concerns!

Accommodating Meal Modifications in the School Meal Programs Update

Professional Standards Training Credit print, sign, and date this certificate for your records

**This training credits for 30 minutes of training in
Key Area 1 – Nutrition 1000
1160: Special Diets, Including Food Allergies**

Your Name:

Date of Training:



This training credits for 30 minutes of training in Key Area 1-Nutrition 1000, 1160: Special Diets, including Food allergies.

Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) Mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

(2) Fax: (202) 690-7442; or

(3) Email: program.intake@usda.gov.

This institution is an equal opportunity provider.

***Hold on slide for 30 seconds.**